

**VALLEY OF THE MOON WATER DISTRICT
REGULAR MEETING MINUTES
November 4, 2008**

A regular meeting of the Board of Directors of the Valley of the Moon Water District was held on Tuesday, November 4, 2008, in the Board Chambers of the District Office at 19039 Bay Street, El Verano, California.

1. CALL TO ORDER - PLEDGE OF ALLEGIANCE - ROLL CALL

President Mark Bramfitt called the meeting to order at 6:30 P.M. and led the Pledge of Allegiance.

Roll Call by **Deputy Secretary Walk** noted the following present:

Directors Present:	Mark Bramfitt Ron Prushko Ed Kenny Russell Townsend
District Personnel:	Paul Gradolph, Operations & Maintenance Supervisor Shari Walk, Office Supervisor
General Manager:	Krishna Kumar
Public Present:	Alphonso Bandur, Mark Heneveld & Sandi Hansen, Sonoma Index-Tribune

2. PUBLIC COMMENTS

There were no comments from the public.

3. CONSENT CALENDAR

- A.** Minutes of the October 7, 2008 Board of Directors Meeting.
- B.** Annual District audit report.

Motion by **Vice President Prushko**, seconded by **Director Kenny** and carried unanimously by a voice vote to adopt the Consent Calendar, as shown.

4. PUBLIC HEARING - NONE

5. OPERATIONAL & COMMITTEE REPORTS

- A.** Monthly Financial Reports & Disbursements

Motion by **Vice President Prushko**, seconded by **Director Townsend** and carried unanimously by a roll

call vote to approve the monthly financial reports and disbursements for the month of September 2008, in the amount of \$439,440.35.

B. Review/Comment on Current District Projects and Significant O & M Issues

Operations and Maintenance Supervisor Paul Gradolph presented the summary review of current District projects and significant operations and maintenance issues for October 2008, as follows:

- **Project #2902 – Production Well No. 5:** The well development had progressed nicely. The startup of the well and filtration plant was anticipated to occur in November, with water production in December.
- **Project #2912 – Agua Caliente, Trinity Oaks, El Verano Water Mains:** The contractor, Piazza Construction, was currently completing the work in the Hillcrest Avenue area. The project was anticipated to be complete in late November.

C. Water Source Report

Vice President Prushko inquired about the percentage drop in the well production from August to September. General Manager Kumar stated that the overall water consumption had gone down. The water contractors as a whole had been doing well, and successfully met the objective of retaining enough storage in Lake Mendocino. As of the date of the meeting, there were 2,500 more acre feet of water in Lake Mendocino compared to last year. **Vice President Prushko** asked if the fish were moving up the river, to which Mr. Kumar answered in the affirmative.

President Bramfitt confirmed with Mr. Kumar that the District had met the optional target the Water Agency put in front of the District for reducing consumption by 15%, and that this was not made up through the use of wells, but was strictly through conservation by customers. **President Bramfitt** pointed out that the District's customers did a great job on voluntary conservation last year as well.

President Bramfitt moved to Item 8.A at this time.

8. OLD/NEW BUSINESS

A. Board Vacancy – Prospective Board Member Interviews.

President Bramfitt introduced this item, and distributed to the Board of Directors, suggested interview questions. He stated that the District filed a notice of a vacancy on the board, and the Board had a regulatory requirement to do its best to identify candidates and pick someone that evening. If the District did not meet a certain deadline, the District will be ceding its authority to the County Board of Supervisors. He was pleased to see that the District received three applications, but unfortunately, one had to withdraw due to a schedule conflict. He stated that there were two outstanding applications, and the task that night was to interview those applicants in an open forum, as well as discussing their merits, and potentially choosing one.

President Bramfitt welcomed the candidates and read out loud the five questions that would be asked to each one of them.

The Board of Directors began interviewing at 6:40 p.m. for the board vacancy position with candidate, Alphonso Bandur. Mr. Bandur's interview ended at 6:55 p.m.

The second interview with Mark Heneveld began at 6:55 p.m. and ended at 7:10 p.m.

- B.** Board Vacancy – Consider selecting a Board member and approval of Resolution No. 081101 appointing the selected individual as a member of the Board of Directors of the Valley of the Moon Water District.

President Bramfitt confirmed with Mr. Kumar, that the next step was to have a discussion, and then handle this in the same manner as the elections of officers on the board, with a nomination, second, and a vote.

In response to **Director Kenny**, **President Bramfitt** said that as uncomfortable as it is, the discussion and selection was open to the public.

In summary, **President Bramfitt** said both the candidates that were interviewed had some operations experience, and both candidates focused on Valley wide water issues, rather than just Valley of the Moon, heard some interest in emergency planning, concern over long range planning, meeting the needs of growth in the Valley, and the needs of the District customers.

Vice President Prushko stated that he was very grateful to both candidates for their interest, and only wished there were two seats available, because he felt both candidates would probably do a great job. He further commented that Mr. Bandur possessed a great deal of experience.

Director Kenny echoed the comments of Vice President Prushko.

Director Kenny nominated Alphonso Bandur to serve on the board, seconded by **Vice President Prushko**, and carried unanimously by a roll call vote.

Motion by **Director Kenny**, seconded by **Vice President Prushko** and carried unanimously by a voice vote to adopt Resolution No. 081101 appointing Alphonso Bandur as a member of the Board of Directors of the Valley of the Moon Water District.

President Bramfitt congratulated Mr. Bandur, and thanked Mr. Heneveld for applying, further stating that it was a tough decision, and was very thrilled that two great candidates applied. On behalf of the board, he thanked both candidates.

President Bramfitt moved back in the agenda to item 6.

6. RECEIVE & FILE PRESIDENT’S AND DIRECTOR’S REPORTS OR COMMENTS

Director Kenny reported that he just received a packet of information regarding the Russian River Tour he attended last month, and offered to share it with any Director who was interested in reading it.

Vice President Prushko asked Mr. Kumar about Judge Nadler’s recent decision on the Sonoma County Water Agency’s (Water Agency) 2005 Urban Water Management Plan (UWMP) and the assumptions made by the Water Agency in preparing that document. He also asked if in the foreseeable future the Water Agency will have to call for a moratorium on building. In response, Mr. Kumar stated that the Water Agency has not officially commented on the judgment yet, they were waiting for a meeting with their Board of Directors, which was to be held on November 18th, at which time it will be discussed, and commented on publicly. The Judge essentially ordered the Water Agency to redo the UWMP.

In response to **Vice President Prushko**, Mr. Kumar noted that the Water Agency will have to respond to the Judge's comments in the next version of the UWMP, either the 2005 update, or the new 2010 plan. Mr. Kumar assured the Board that he would report at its next meeting as to the steps being taken by the Water Agency.

In response to **Vice President Prushko**, Mr. Kumar stated that the recently released Biological Opinion (BO) had two options, one was to do habitat restoration, and in the year 2018 they will review whether the habitat restoration was indeed helping the fish, and if not, a new pipeline would have to be built from Lake Sonoma to the Russian River. In the interim, the BO required the Water Agency to perform a feasibility study on the pipeline option.

President Bramfitt commented that the habitat restoration needs to happen regardless; however, from a Water Agency and water contractor perspective, we could invest a lot of money in habitat restoration to try and meet the goals of the fish, and get approvals, be unsuccessful, then be faced with the investment to get out of the river with the pipeline option. He stated that he was not against habitat restoration; it's a question of who should pay for it. He added that we could do all the habitat restoration, and in the year 2018 still be forced to build the pipeline anyway.

In response to **Vice President Prushko**, Mr. Kumar noted that the Water Agency delivered approximately 64,000 acre-feet out of the 75,000 acre-feet maximum allowed under the State permit.

In response to **Director Kenny**, Mr. Kumar said the collectors had been occasionally shut down for maintenance purposes.

President Bramfitt reported that he and General Manager Kumar attended the Water & Technical Advisory Committee meetings on Monday morning. President Bramfitt reported on the Water Advisory Committee meeting, stating it was a low energy meeting. Several Council Members will not be running for reelection, including the Vice Chair of the WAC, City of Sonoma Council Member Cohen.

7. GENERAL MANAGER'S AND DISTRICT COUNSEL'S REPORTS

Mr. Kumar congratulated Mr. Bandur for being selected to serve on this Board.

A. Technical and Water Advisory Committee Meetings of November 3, 2008

Mr. Kumar reported on the following:

TAC & WAC meeting of November 3, 2008

Fluoridation

When fluoride is present in drinking water at optimal levels, it has been shown to promote oral health by preventing tooth decay. However, concerns have been raised over the use of fluoridated drinking water, particularly its use in infant formula, and the possible risks of bone cancer. In 1995, California legislature passed Assembly Bill 733 requiring all public water systems with 10,000 or more service connections to fluoridate their water supplies, although no funding was allocated for this purpose. The fluoridation of public water systems is considered fairly cost-prohibitive and would require state and federal assistance to implement that program.

Currently, the Sonoma County Department of Public Health and the Sonoma County Water Agency are having preliminary discussions on this matter and a report would soon be issued.

Biological Opinion (BO)

There was considerable discussion on this topic. The Water Agency recently met with Army Corps officials in Washington DC to firm up the Corps' share of the cost to implement the Reasonable and Prudent Alternatives as required under the BO. Although the Corps agreed that the existing authorizations would cover such expenditure, getting annual appropriations is a Herculean task given the current state of affairs in DC.

In response to **Vice President Prushko**, **President Bramfitt** said the Corps had the authorization to do the necessary work, and the funds were on the list, but it was unfunded.

President Bramfitt commented that he was very distressed at something the Water Agency said, when they pointed to Petaluma's Flood Control efforts, which needed federal funding and took 40 lobbying trips (6-8 people each trip), and noted that similar efforts might be needed by the Water Agency to secure funding from the Army Corp of Engineers. It was distressing to see public agencies spending that kind of money to go and get money from other public agencies. They were positive that we were going to have to do the same in order to get the Corps to pick up nominally their share of the habitat restoration.

Water Supply Project EIR

The Water Agency's Board of Directors would consider releasing the draft EIR for the Water Supply Project on December 9th. The discussions centered around the fact that while the BO is tied to the Water Agency's current water rights for 75,000 AF and would take 10-15 years to implement the required measures, would that conflict with the Water Project EIR which is based on an additional 26,000 AF? Water Agency Board Member Paul Kelly indicated that question would be considered during the forthcoming public hearings on the EIR.

President Bramfitt commented on the subject of fluoridation that came up at the meeting. He said that the County Health Department was recommending that the water supplies be fluoridated. Many questions arose regarding this topic, and that he sensed a remarkable amount of public interest, and variance of opinion on whether water should be fluoridated. He felt that this is an item that would probably hit us down the road.

Director Kenny commented that when he toured the Water Agency's Wohler water collection facilities, he was impressed by the fact that the Water Agency was capable of producing one of the purest waters in the world. He was informed that engineers and scientists from Japan, Finland, and Sweden were trying to duplicate the system we had, and they couldn't duplicate the system.

Vice President Prushko verified with Mr. Kumar that the Water Agency performed water quality testing daily, weekly, monthly, quarterly, and annually based on regulatory requirements.

8. OLD/NEW BUSINESS

C. Agreement with the County of Sonoma.

General Manager Kumar introduced the item, stating that this came about because of the current project on Highway 12, the long awaited Springs area sidewalk project.

Mr. Kumar thanked **Director Townsend** for providing useful tips regarding the exact nature of the District's obligations in situations like this.

In response to **President Bramfitt**, Paul Gradolph said the facilities that needed adjustments are water valve boxes, and meters that currently were not in sidewalks.

Motion by **Vice President Prushko**, seconded by **Director Kenny** and carried unanimously by a roll call vote to approve an agreement between the Valley of the Moon Water District and the County of Sonoma for relocation of water facilities on Highway 12 and authorize the General Manager to execute the agreement.

9. CLOSED SESSION - NONE

10. REQUEST FOR FUTURE AGENDA ITEMS
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There were no requests for future agenda items.

11. ADJOURNMENT

On motion by Director Kenny, seconded by Vice President Prushko and carried unanimously by a voice vote to adjourn the meeting at 7:43 P.M. The next scheduled meeting is a regular meeting at 6:30 P.M. on December 2, 2008.

Shari Walk, Deputy Board Secretary

Mark Bramfitt, Board President